IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.426 OF 2006
IN
NOTICE OF MOTION NO.3737 OF 2003
IN
SUIT NO.4261 OF 1998

Ashabai Kashid ....Appellant
V/s.
Balkrishna Bapu Khadang ....Respondent

Mr.V.Y. Sanglikar for the Appellant.
None for the Respondent.

CORAM: DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.
DATED: 27TH JULY, 2006.

P.C. :-

1. Heard the learned counsel for the Appellant.

2. After hearing for some time the learned advocate for the Appellant submits that the Appellant has already taken out the Notice of Motion before the learned single Judge being Notice of Motion No.2137 of 2006 for dismissal of the above suit and he prays that the aforesaid Notice of Motion be expeditiously heard. In view of the above, the learned counsel for the Appellant is not pressing this Appeal.

3. Having regard to the facts and circumstances of

the present case, we dismiss the above Appeal and request the learned single Judge to dispose of the aforesaid Notice of Motion No.2137 of 2006 as expeditiously as possible without being influenced by the observations of the learned single Judge in the order dated 17.3.2006 especially in paragraph 5.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)